

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOSE MONTALVO-JUACHIN,)
)
Defendant.)

CASE NO. CR06-197 RSL

DETENTION ORDER

Offense charged:

Count I: Conspiracy to Distribute Heroin, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B) and 846.

Date of Detention Hearing: June 15, 2006.

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Lisca Borichewski. The defendant was represented by Ralph Hurvitz.

The Government filed a Motion for Detention, to which the defendant stipulated,

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1 reserving the right to revisit the issue of detention should new information become
2 available.

3 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

4 (1) There is probable cause to believe the defendant committed the
5 conspiracy drug offense. The maximum penalty is in excess of ten years.
6 There is therefore a rebuttable presumption against the defendant's
7 release based upon both dangerousness and flight risk, under Title 18
8 U.S.C. § 3142(e).

9 (2) Nothing in this record satisfactorily rebuts the presumption against
10 release for several reasons:

11 (a) The defendant presents a risk of nonappearance due to the
12 following: He is a citizen and national of Mexico; his ties to the
13 Western District of Washington are unknown; he has an
14 outstanding warrant for failure to appear in King County; and
15 BICE has filed a detainer;

16 (b) The defendant presents a risk of danger based on the nature of the
17 instant offense; and

18 (c) The defendant stipulates to detention.

19 (3) Based upon the foregoing information which is consistent with the
20 recommendation of U.S. Pre-trial Services, it appears that there is no
21 condition or combination of conditions that would reasonably assure
22 future Court appearances and/or the safety of other persons or the
23 community.

24 **It is therefore ORDERED:**

25 (1) The defendant shall be detained pending trial and committed to the
26 custody of the Attorney General for confinement in a correction facility

1 separate, to the extent practicable, from persons awaiting or serving
2 sentences or being held in custody pending appeal;

3 (2) The defendant shall be afforded reasonable opportunity for private
4 consultation with counsel;

5 (3) On order of a court of the United States or on request of an attorney for
6 the Government, the person in charge of the corrections facility in which
7 the defendant is confined shall deliver the defendant to a United States
8 Marshal for the purpose of an appearance in connection with a court
9 proceeding; and

10 (4) The clerk shall direct copies of this order to counsel for the United
11 States, to counsel for the defendant, to the United States Marshal, and to
12 the United States Pretrial Services Officer.

13 DATED this 17th day of June, 2006.

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16 Monica J. Benton
17 U.S. Magistrate Judge
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